

REMARKS

In the Office Action¹ mailed February 2, 2007, the Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by Sheppard et al. (U.S. Patent No. 6,143,247, hereafter "Sheppard"); and rejected claims 1- 6 under 35 U.S.C. § 102(b) as being anticipated by Hubbard et al. (U.S. Patent No. 6,338,820, hereafter "Hubbard").

By this Amendment, Applicant amends claims 1-6. Claims 1-10 remain pending, with claims 7-10 withdrawn from consideration.

Applicant respectfully traverses the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Although Applicant disagrees with the Examiner's rejection of claim 5 under 35 U.S.C. § 112, second paragraph, Applicant amends claim 5. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 5 under 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the rejection of claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by Sheppard.

Claim 1, as amended, recites a bioassay substrate comprising a plurality of detection units, each detection unit comprising, for example, "a data-detecting area . . . ; and a servo area formed in the detection unit without overlapping the data-detecting

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

area, the servo area optically providing positional information of the data-detecting area,” (emphasis added). Sheppard fails to disclose at least the claimed servo area.

The Examiner asserted, “[r]egarding claim 1, Sheppard et al . . . teach read and write functions are performed on the surface of the disk opposite the surface comprising the remaining components of the disk (column 27, lines 32-41),” Office Action at page 3. The Examiner further asserted, “[t]he opposite area where the read and write functions are performed is a servo area that is not overlapped with the data detection area,” Office Action at page 3.

Sheppard, however, fails to disclose a “servo area optically providing positional information of the data-detecting area,” as recited in claim 1. Although Figure 5 of Sheppard may show some optical detection, Sheppard fails to disclose a servo area that provides positional information of the data-detecting area. For at least this reason, Sheppard fails to teach each and every element of claim 1, and cannot anticipate claim 1. Sheppard also cannot anticipate claims 2, 3, and 6 at least because claims 2, 3, and 6 depend from claim 1 and require all the elements of claim 1.

Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Hubbard.

Claim 1, as amended, recites a bioassay substrate comprising a plurality of detection units, each detection unit comprising, for example, “a data-detecting area comprising a reaction area for performing a mutual reaction process between substances to be detected and a target substance, and a detection surface for fixing end portions of the substances to be detected.” Hubbard fails to teach at least the claimed detection surface.

The Examiner asserted, "Hubbard et al teach the disc-shaped bioassay substrate (column 8, lines 25-40), comprising a data detecting area used for a mutual reaction of detectable substances and a target substance; namely concentrically arranged reactions sites 80 of Figure 9B (column 20, lines 21-32) wherein the reaction sites are the data detecting areas," Office Action at page 4. Applicant respectfully disagrees.

Hubbard, at column 20, lines 21-32, discloses,

Referring to FIG. 9B, a solid angle sector 92 is shown, which includes a plurality of concentrically arranged non-interconnected reaction sites 80 aligned radially from spindle 60. Each of reaction sites 80 has locating mark 82, which is depicted as comprising two bars. The use of this identifying mark is intended to be merely exemplary, and other identifying marks, such as indexing marks, bar codes, number codes, color codes, or the like, may also be employed. Further, an identifying mark may consist of a combination of characters or markings, or both, and the position of the mark with respect to the center of substrate 10 or with respect to spindle 90.

(Emphasis added). Accordingly, Hubbard merely discloses a solid angle sector 92 including a plurality of concentrically arranged non-interconnected reaction sites 80, without disclosing details of reaction sites 80. For this reason, Hubbard fails to teach "a data-detecting area comprising a reaction area for performing a mutual reaction process between substances to be detected and a target substance, and a detection surface for fixing end portions of the substances to be detected," as recited in claim 1. Accordingly, Hubbard fails to teach each and every element of claim 1, and cannot anticipate claim 1. Hubbard also cannot anticipate claims 2-6 at least because claims 2-6 depend from claim 1 and require all the elements of claim 1.

In light of the above, claims 1-6 are in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b).


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 3, 2007

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